

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION**

**COMPLAINT NO. 00-096**

**MANDATORY PENALTY  
IN THE MATTER OF  
CITIES OF SOUTH SAN FRANCISCO AND SAN BRUNO  
NORTH BAYSIDE SYSTEM UNIT  
SOUTH SAN FRANCISCO AND SAN BRUNO WATER QUALITY CONTROL PLANT  
SAN MATEO COUNTY**

This complaint to assess Mandatory Penalties pursuant to Water Code section 13385 (h), is issued to the cities of South San Francisco and San Bruno (hereafter Discharger) based on a finding of violations of Waste Discharge Requirements Order No. 97-086 (NPDES No. CA0038130).

The Executive Officer finds the following:

1. On July 16, 1997, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 97-086 (NPDES Permit No. CA0038130), for the cities of South San Francisco and San Bruno, to regulate discharges of waste from the South San Francisco and San Bruno Water Quality Control Plant.
2. Water Code section 13385(h)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for the first serious violation in any six-month period or in lieu of the penalty require the discharger to spend an equal amount for a supplemental environmental project or to develop a pollution prevention plan.
3. Waste Discharge Requirements Order No. 97-086 states, in part:

The effluent discharged to the outfall shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
c. Settleable Matter	ml/l-hr	0.1	--	--	0.2

4. According to the January through June 2000 monitoring reports submitted by the Discharger, settleable matter in the effluent was 0.6 ml/l-hr on January 25, 2000. This is more than 40 % of the effluent limitation of 0.2 ml/l-hr, and thus is considered a serious violation as defined by Water Code Section 13385 (h).
5. Therefore the MMP for this serious violations is \$3,000.

**THE CITIES OF SOUTH SAN FRANCISCO AND SAN BRUNO ARE HEREBY GIVEN NOTICE THAT:**

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed Mandatory Penalty in the amount of three thousand dollars (\$ 3,000).
2. A hearing shall be held by the Regional Board on October 18, 2000 unless the Discharger agrees to waive the hearing and pay the Mandatory Penalty of \$ 3,000 in full.
3. In lieu of the mandatory penalty for the first serious violation the Executive Officer may allow the Discharger to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer. The Discharger must make such a request by October 6, 2000.
4. The Discharger may waive the right to a hearing. If you wish to waive the hearing, please check and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory penalty to the Regional Board's office at 1515 Clay Street, Suite 1400; Oakland, CA 94612, by October 6, 2000.
5. If a hearing is held, the Regional Board will consider whether to affirm, reject, or modify the proposed mandatory penalty, or whether to refer the matter to the Attorney General to have a Superior Court consider imposition of a penalty.

  
\_\_\_\_\_  
Lawrence P. Kolb, Acting Executive Officer

9/27/00

\_\_\_\_\_  
Date

## WAIVER

- [ ] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-096 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed under Complaint No. 00-096 by October 6, 2000.
- [ ] By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-096 and to complete a pollution prevention plan or conduct a supplemental environmental project in lieu of the \$3,000 civil liability imposed for the first serious violation, subject to approval by the Executive Officer. If the pollution prevention plan or supplemental environmental project is not acceptable to the Executive Officer, I agree to pay the civil liability within 30 days of a letter from the Executive Officer denying approval of the proposed project. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to complete a pollution prevention plan or conduct a supplemental environmental project approved by the Executive Officer within a time schedule set by the Executive Officer.

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Name (print)

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Signature

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Date

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Title/Organization



# California Regional Water Quality Control Board

## San Francisco Bay Region

Winston H. Hickox  
Secretary for  
Environmental  
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612  
Phone (510) 622-2300 • FAX (510) 622-2460



**TO:** Lawrence P. Kolb  
Acting Executive Officer

**FROM:** James Nusrala *James Nusrala*  
Associate Water Resources Control Engineer

**DATE:** September 26, 2000

**SUBJECT:** MANDATORY MINIMUM PENALTY (MMP) FOR SOUTH SAN FRANCISCO-SAN BRUNO

On January 25 of this year South San Francisco-San Bruno exceeded their effluent instantaneous settleable matter limit by more than 40% (0.6 ml/l/hr vs. a limit of 0.2 ml/l/hr), thus the plant is subject to mandatory minimum penalties under Water Code Section 13385(h) for serious violations. For the following reasons I recommend we impose only the minimum penalty of \$3,000 for this permit violation:

1. There definitely was a single violation of the instantaneous settleable matter limit. This was not due to any sampling, analytical, or reporting errors. The discharger has not raised any contention that a violation did not occur.
2. This was the only serious violation, as defined by Water Code Section 13385(h), during the first six months of 2000.
3. The most probable cause of the violation were both high flows on the day at issue due to heavy rain, and bulking activated sludge.
4. The secondary clarifier settling capacity is being increased by 30% as part of the plant improvements.

If you have any questions please call me at 622-2320.

Concurred by *Shin-Roei Lee*  
Shin-Roei Lee, Section Leader

*9/27/00*  
Date

Concurred by *Teng-Chung Wu*  
Teng-Chung Wu, Division Chief

*9/27/00*  
Date